

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

<p>FREEDOM WIRELESS, INC.,</p> <p>Plaintiff,</p> <p>v.</p> <p>ALLTEL CORPORATION, et al.,</p> <p>Defendants.</p>	<p>CASE NO. 2:06-CV-504-TJW-CE</p>
<p>FREEDOM WIRELESS, INC.,</p> <p>Plaintiff,</p> <p>v.</p> <p>CINGULAR WIRELESS, LLC, et al.,</p> <p>Defendants.</p>	<p>CASE NO. 2:06-CV-505-TJW-CE</p>
<p>FREEDOM WIRELESS, INC.,</p> <p>Plaintiff,</p> <p>v.</p> <p>DOBSON CELLULAR SYSTEMS, et al.,</p> <p>Defendants.</p>	<p>CASE NO. 2:07-CV-151-TJW-CE</p>
<p>FREEDOM WIRELESS, INC.,</p> <p>Plaintiff,</p> <p>v.</p> <p>SUNCOM WIRELESS HOLDINGS, INC., et al.,</p> <p>Defendants.</p>	<p>CASE NO. 2:07-CV-152-TJW-CE</p>

**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**  
**PURSUANT TO PATENT RULE 4-3**

In accordance with the Court's Docket Control Orders and Patent Rule 4-3, Plaintiff Freedom Wireless, Inc. ("Freedom Wireless") and Defendants Cingular Wireless LLC, Ericsson Inc., Centennial Communications Corporation (d/b/a Centennial Wireless), NE Colorado Cellular, Inc. (d/b/a Viaero Wireless), Cincinnati Bell Wireless LLC, Ztar Mobile, Inc., T-Mobile USA, Inc., 7-Eleven, Inc., Circle K Stores, Inc., MGA Entertainment, Inc., Alltel Corporation, Comverse, Inc., VeriSign, Inc., Alltel Communications, Inc., United States Cellular Corporation, Dobson Cellular Systems, American Cellular Corporation, SunCom Wireless Holdings, Inc., SunCom Wireless, Inc., and SunCom Wireless Operating Company jointly submit this Joint Claim Construction and Prehearing Statement pertaining to the Patents-in-Suit, U.S. Patent Nos. 5,722,067 (" '067 Patent"), 6,157,823 (" '823 Patent") and 6,236,851 (" '851 Patent"). On April 8 and 9, 2008, the parties met and conferred under Patent Rules 4-1(b) and 4-2(c). The parties were able to narrow the scope of some disputes but were unable to agree on the constructions of the claim terms as indicated below.

**I. Agreed Constructions Pursuant to P.R. 4-3(a)**

The parties have not been able to agree to the proper construction of any of the terms proposed for construction.

**II. Disputed Terms Pursuant to P.R. 4-3(b)**

The parties dispute the construction of the claim terms, phrases, or clauses set forth in the tables attached as Exhibits A and B-1. At Defendants' suggestion for the convenience of the Court, the parties' proposed constructions for the disputed claim terms and phrases, and each party's identification of intrinsic and extrinsic evidence in support of their respective proposed constructions have been split into three tables, Exhibits A, B-1, and B-2. Exhibit A includes

Plaintiff's constructions and evidence. Exhibits B-1 and B-2 include Defendants' constructions and evidence.

**III. Length of Hearing Pursuant to P.R. 4-3(c)**

The parties agree that the total length of the Claim Construction Hearing should be set so as to allow 3 hours of argument total, 1.5 hours of argument per side.

**IV. Designation of Witnesses Pursuant to P.R. 4-3(d)**

None of the parties anticipate calling any witnesses at the Claim Construction Hearing.

**V. Prehearing Conference Pursuant to P.R. 4-3(e)**

The parties do not believe that a prehearing conference is necessary prior to the Claim Construction Hearing.

Dated: April 10, 2008

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Joint Claim Construction and Prehearing Statement Pursuant to Patent Rule 4-3 was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing Reply by certified mail, return receipt requested, on this the 10th day of April 2008.

/s/ John Kenneth Felter

John Kenneth Felter